

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-NINTH LEGISLATURE

**SIXTY-FOURTH LEGISLATIVE DAY
MONDAY, MARCH 12, 2007**

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Bastian, Burkett, Lodge, Pearce, Stegner, and Stennett, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Branden Huckstep, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Stennett was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 9, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Fourth Order of Business.

Reading of Communications

March 7, 2007

Honorable Robert L. Geddes
President Pro Tempore
State Capitol
Boise, ID 83720

Dear President Pro Tempore Geddes:

On behalf of the Board of Commissioners of the Idaho State Bar, I am pleased to inform you that the Commission voted to appoint Judge Ronald J. Wilper of Boise to replace Judge Randy Smith who resigned from the Judicial Council due to his

appointment to the Ninth Circuit Court of Appeals. Judge Wilper will serve the remainder of Judge Smith's six-year term which will expire on June 30, 2007. He will then serve a six-year term commencing July 1, 2007, and expiring June 30, 2013. Pursuant to *Idaho Code* Section 1-2101, the appointment requires the consent of the Idaho State Senate.

Attached is a copy of the letter to Governor C.L. "Butch" Otter reporting the appointment of Judge Wilper.

If you have any questions or need additional information, please let me know.

Sincerely,
/s/ Diane K. Minnich
Executive Director
Idaho State Bar

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Idaho State Bar appointment was referred to the Judiciary and Rules Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Lodge, Pearce, and Stegner were recorded present at this order of business.

March 12, 2007

The JUDICIARY AND RULES Committee reports that **S 1210, S 1211, and S 1212** have been correctly printed.

DARRINGTON, Chairman

S 1210, S 1211, and S 1212 were referred to the Finance Committee.

March 9, 2007

The JUDICIARY AND RULES Committee reports that Enrolled **S 1001, S 1002, S 1003, S 1012, S 1015, S 1018, S 1043, S 1049, S 1050, S 1055, S 1057, S 1058, S 1060, S 1061, S 1084, S 1086, S 1167, S 1168, S 1176, and S 1177** were delivered to the Office of the Governor at 2:05 p.m., March 9, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 9, 2007

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 105, SCR 108, SCR 109, and SCR 110** were delivered to the Office of the Secretary of State at 11:35 a.m., March 9, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 9, 2007

The STATE AFFAIRS Committee reports out **HCR 8, H 152, and H 218** with the recommendation that they do pass.

McKENZIE, Chairman

HCR 8 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 152 and **H 218** were filed for second reading.

March 9, 2007

The STATE AFFAIRS Committee reports out **H 243** and **H 244** with the recommendation that they be referred to the Agricultural Affairs Committee.

McKENZIE, Chairman

There being no objection, **H 243** and **H 244** were re-referred to the Agricultural Affairs Committee.

March 9, 2007

The JUDICIARY AND RULES Committee reports out **H 171** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **H 171** was referred to the Fourteenth Order of Business, General Calendar.

March 9, 2007

The JUDICIARY AND RULES Committee reports out **S 1179** with the recommendation that it do pass.

DARRINGTON, Chairman

S 1179 was filed for second reading.

March 9, 2007

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Gary Chamberlain to the Idaho Water Resource Board, term to expire January 1, 2011;

Charles Cuddy to the Idaho Water Resource Board, term to expire January 1, 2011;

Robert "Bob" Graham to the Idaho Water Resource Board, term to expire January 1, 2011;

Jerry R. Rigby to the Idaho Water Resource Board, term to expire January 1, 2011.

SCHROEDER, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 9, 2007

The RESOURCES AND ENVIRONMENT Committee reports out **H 170** and **H 230** with the recommendation that they do pass.

SCHROEDER, Chairman

H 170 and **H 230** were filed for second reading.

March 12, 2007

The FINANCE Committee reports out **S 1210, S 1211, and S 1212** with the recommendation that they do pass.

CAMERON, Chairman

S 1210, S 1211, and S 1212 were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 9, 2007

Mr. President:

I transmit herewith **H 245**, as amended, **H 270**, as amended, **H 265, H 272, H 273, and H 274** which have passed the House.

JUKER, Chief Clerk

H 245, as amended, **H 270**, as amended, **H 265, H 272, H 273, and H 274** were filed for first reading.

March 9, 2007

Mr. President:

I return herewith Enrolled **S 1067** which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1067** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 9, 2007

Mr. President:

I transmit herewith Enrolled **HCR 16, HJM 1**, as amended, and **HJM 3** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 16, HJM 1**, as amended, and **HJM 3** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Burkett was recorded present at this order of business.

The President announced that **SCR 119** was before the Senate for final consideration.

Moved by Senator Hill, seconded by Senator Langhorst, that **SCR 119** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bilyeu, Broadsword, Burkett, Coiner, Corder, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 30.

NAYS--Cameron, Darrington, Davis. Total - 3.

Absent and excused--Bastian, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **SCR 119** adopted, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1213

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE IDAHO SECURITY MEDICAL PROGRAM; AMENDING THE CHAPTER HEADING FOR CHAPTER 13, TITLE 66, IDAHO CODE; AMENDING SECTION 66-1301, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE AND TO REVISE PROVISIONS APPLICABLE TO ESTABLISHMENT OF THE PROGRAM; AMENDING SECTION 66-1302, IDAHO CODE, TO REFERENCE THE IDAHO SECURITY MEDICAL PROGRAM; AMENDING SECTION 66-1303, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ADMINISTRATOR'S DUTIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION

66-1304, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SOURCES OF RESIDENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 66-1305, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 66-1306, IDAHO CODE, TO REFERENCE ADMISSION OR DISCHARGE OF PATIENTS TO THE PROGRAM; AMENDING SECTION 66-1307, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE RETURN OF A PATIENT; AMENDING SECTION 66-1308, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO TRANSPORTATION OF PATIENTS; AMENDING SECTION 66-1312, IDAHO CODE, TO REVISE PROVISIONS RELATING TO STANDARDS FOR TREATMENT; AMENDING SECTION 66-1313, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REFERENCE ANY FACILITY; AMENDING SECTION 66-1315, IDAHO CODE, TO REVISE THE SHORT TITLE; AND AMENDING SECTION 66-1317, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO REVIEW OF INVOLUNTARY TREATMENT.

S 1214

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2008; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICES COSTS TO THE GENERAL FUND; REQUIRING CERTAIN PURCHASES BE SUBJECT TO CERTAIN CONDITIONS; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1215

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ENCUMBRANCE OF CERTAIN MONEYS AND PROVIDING LEGISLATIVE INTENT; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1216

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AUTHORIZING FUND DEPOSITS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND DIRECTING THAT THE SCHOOL ONLY OPERATE THE NECESSARY NUMBER OF COTTAGES.

S 1217
BY FINANCE COMMITTEE
 AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF OPERATIONS; APPROPRIATING MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2007; DIRECTING THAT MONEYS BE DISTRIBUTED TO REPLACE CERTAIN LEVIES; DIRECTING DISTRIBUTION OF CERTAIN AMOUNTS FOR REPLACEMENT OF SCHOOL MAINTENANCE AND OPERATION LEVY FUNDS; AND STATING LEGISLATIVE FINDINGS AND EXPRESSING LEGISLATIVE INTENT WITH REGARDS TO FUTURE DISTRIBUTIONS OF REPLACEMENT FUNDING PROVIDED IN LIEU OF PERSONAL PROPERTY TAXES ON AGRICULTURAL EQUIPMENT.

S 1218
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE COST FUND FOR FISCAL YEAR 2008.

S 1219
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDEPENDENT COUNCILS FOR FISCAL YEAR 2008; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE INDEPENDENT COUNCILS; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1220
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1213, S 1214, S 1215, S 1216, S 1217, S 1218, S 1219, and S 1220 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 245, as amended, **H 265, H 272, H 273, and H 274**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 270, as amended, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 266, H 269, H 277, H 278, H 279, and H 280 by Appropriations Committee, were read the second time at length and filed for third reading.

H 191, by Revenue and Taxation Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 154, by Environment, Energy, and Technology Committee, was read the second time at length and filed for third reading.

H 177, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 204, by State Affairs Committee, was read the second time at length and filed for third reading.

H 215, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 140, H 101, and H 137, by Business Committee, were read the second time at length and filed for third reading.

H 132, by Business Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 150, by Environment, Energy, and Technology Committee, was read the second time at length and filed for third reading.

H 200, by Education Committee, was read the second time at length and filed for third reading.

H 240, H 178, as amended, and **H 239**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

S 1204, S 1205, S 1206, S 1207, S 1208, and S 1209, by Finance Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Bastian was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the following typographical correction was made to **S 1157**, as amended, pursuant to Senate Rule 9(F):

On page 2, line 46, of the bill; insert: "or" after: ";;".

S 1157, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stennett, Werk. Total - 29.

NAYS--Burkett, Coiner, Corder, Langhorst, Malepeai, Stegner. Total - 6.

Total - 35.

Whereupon the President declared **S 1157**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

H 130, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 130**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 25, as amended in the Senate was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 25**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 129 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 129** passed, title was approved, and the bill ordered returned to the House.

H 51 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 51** passed, title was approved, and the bill ordered returned to the House.

H 52 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 52** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 180** retained its place on the Third Reading Calendar for one legislative day.

H 176 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bastian, Bilyeu, Cameron, Darrington, Davis, Hill, Jorgenson, Kelly, Keough, Little, Lodge, McGee, Richardson, Schroeder. Total - 15.

NAYS--Bair, Broadsword, Burkett, Coiner, Corder, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Langhorst, Malepeai, McKague, McKenzie, Pearce, Siddoway, Stegner, Stennett, Werk. Total - 20.

Total - 35.

Whereupon the President declared that **H 176** had failed to pass the Senate and ordered the bill returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 9:30 a.m., Tuesday, March 13, 2007.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary